

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

MICCOSUKEE TRIBE OF INDIANS OF  
FLORIDA,

*Plaintiff,*

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and UNITED  
STATES OF AMERICA,

*Defendants,*

and

THE STATE OF FLORIDA and  
FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

*Defendant-Intervenors.*

Case No. 1:22-cv-22459-KMM

**MOTION TO EXTEND DEADLINES FOR GOOD CAUSE**

Pursuant to Local Civil Rule 7.1, Plaintiff Miccosukee Tribe of Indians of Florida respectfully submits this motion to extend, for the good cause shown herein, Plaintiff's deadline to file Plaintiff's Combined Opposition to the Federal Defendants' and Intervenors' Cross-Motions for Summary Judgment and Reply in Support of Plaintiff's Motion for Summary Judgment by ten (10) calendar days to November 20, 2023. Plaintiff, having conferred with counsel for the United States Environmental Protection Agency and the United States of America, "Federal Defendants," and counsel for the State of Florida and the Florida Department of Environmental Protection, Defendant-Intervenors, respectfully proposes that, if the Court grants Plaintiff's motion to extend, thereby providing Plaintiff with the requested relief, the Court also extend the deadlines for the Federal Defendants and Defendant-Intervenors to file a Reply in Support of each party's previously

filed Cross-Motion for Summary Judgment to January 12, 2024, and January 19, 2024, respectively. Counsel for the Federal Defendants and counsel for the Defendant-Intervenors have reserved their right to file a response to this motion.

Plaintiff supports this motion with good cause, as follows:

1. This is a record-review case in which Plaintiff challenges, under the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701 *et seq.*, EPA’s approval of Defendant-Intervenors’ application to operate a permitting program for discharges of dredged or fill material into waters of the United States within the jurisdiction of the State of Florida in accordance with Clean Water Act section 404(g). Plaintiff seeks declaratory and injunctive relief, including vacatur of EPA’s approval of Florida’s proposed permitting program.

2. Plaintiff filed its Motion for Summary Judgment, ECF #32, on July 27, 2023.

3. Federal Defendants filed a Response in Opposition to Plaintiff’s Motion for Summary Judgment, ECF #36, and Cross Motion for Summary Judgment, ECF #37, on September 27, 2023.

4. Defendant-Intervenors filed a Response in Opposition to Plaintiff’s Motion for Summary Judgment and Cross Motion for Summary Judgment, ECF #38, on October 17, 2023.

5. Under the Court’s Order of July 7, 2023, ECF #31, Plaintiff’s deadline to file Plaintiff’s Combined Opposition to the Federal Defendants’ and Intervenors’ Cross-Motions for Summary Judgment and Reply in Support of Plaintiff’s Motion for Summary Judgment was November 10, 2023.

6. Beginning on November 7, 2023, undersigned counsel for Plaintiff experienced a sudden and severe illness which required medical treatment from both standard and urgent care healthcare providers.

7. On November 8, 2023, a licensed medical professional advised undersigned counsel

to refrain from reporting to work due to medical illness.

8. On November 13, 2023, undersigned counsel underwent an unplanned, unexpected surgical procedure that required sedation as treatment for the illness that began on November 7, 2023.

9. On November 17, 2023, undersigned counsel contacted counsel for the Federal Defendants and counsel for the Defendant-Intervenors to inform them of the foregoing and to confer regarding this motion.

10. Plaintiff respectfully requests the Court extend Plaintiff's filing deadline and respectfully proposes the Court, if it grants Plaintiff's requested relief, also extend Federal Defendants' and Defendant-Intervenors' filing deadlines as reflected in the following table:

<b>Document</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Plaintiff's Combined Opposition to the Federal Defendants' and Intervenors' Cross-Motions for Summary Judgment and Reply in Support of Plaintiff's Motion for Summary Judgment	November 10, 2023	November 20, 2023
Federal Defendants' Reply in Support of Federal Defendants' Cross-Motion for Summary Judgment	December 10, 2023	January 12, 2024
Intervenors' Reply in Support of Intervenors' Cross-Motion for Summary Judgment	December 17, 2023	January 19, 2024

11. Having conferred with counsel for the Federal Defendants and counsel for the Defendant-Intervenors, to avoid further delay, concurrent with the filing of this motion, Plaintiff will file Plaintiff's Proposed Combined Opposition to the Federal Defendants' and Intervenors' Cross-Motions for Summary Judgment and Reply in Support of Plaintiff's Motion for Summary Judgment.

12. For the good cause shown herein, Plaintiff respectfully moves the Court to grant the

requested extensions as detailed in Paragraph 10.

Dated: November 20, 2023

Respectfully submitted,

GEORGE B. ABNEY  
Florida Bar # 171557  
[george.abney@alston.com](mailto:george.abney@alston.com)  
Alston & Bird LLP  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424  
Phone: 404-881-7000  
Fax: 404-881- 7777



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KEVIN S. MINOLI  
DC Bar # 1630494  
[kevin.minoli@alston.com](mailto:kevin.minoli@alston.com)  
Alston & Bird LLP  
950 F Street NW  
Washington, DC 20004  
Phone: 202-239-3760  
Fax: 404-881-7777

*Attorneys for Plaintiff Miccosukee Tribe of  
Indians of Florida*